

REMARKS

I. INTRODUCTION

Applicants gratefully acknowledge the Examiner's confirmation that claims 136-152, 154, 156, 157, 169 and 170 are allowed.

Claims 104 and 153 have been previously cancelled, without prejudice. Claims 89, 155 and 158 have been amended above to include the recitation of "non-transitory" recitation for the "computer accessible medium". Claims 89-107, 136-152 and 154-170 remain under consideration in the above-referenced application. Provided above, please find a claim listing indicating the amendments to claims 89, 155 and 158, and the status of other claims on separate sheets so as to comply with the requirements set forth in 37 C.F.R. § 1.121. It is respectfully submitted that no new matter has been added.

II. REJECTION UNDER 35 U.S.C. § 101 SHOULD BE WITHDRAWN

Claims 89-106, 155 and 158-168 stand rejected under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject matter.

In particular, regarding claims 12-16 and 48, the Examiner contends that the recited "computer accessible medium" is not associated with any of the four statutory categories of inventions (i.e., process, article of manufacture, composition of matter or machine), and thus considered non-statutory. (See Final Office Action, p. 2, lns. 8-10). The Examiner acknowledges that the "computer accessible medium" can include a storage medium that is described in the specification of the present application, and points to

various sections of the specification as providing support for such subject matter. (*See id.* p. 2, Ins. 10-14).

First, independent claims 89, 155 and 158 each clearly recites a computer accessible medium. Such computer accessible media as recited in these claims is clearly one of the statutory classes of the subject matter authorized under 35 U.S.C. § 101, as clearly falling within at least, e.g., the “manufactures” category for patent-eligible subject matter pursuant to 35 U.S.C. § 101.

Second, to expedite the prosecution of the present application, independent claims 89, 155 and 158 have been amended above to each recite “a non-transitory computer accessible medium” so as to obviate this § 101 rejection. Thus, Applicants respectfully assert that there is certainly a positive recitation in independent claims 12 and 48 of the non-transitory computer-accessible medium, which is certainly in the “manufactures” category for patent-eligible subject matter pursuant to 35 U.S.C. § 101, and as authorized under the recent guidelines of the United States Patent and Trademark Office. Indeed, during a recent communication between the Examiner and Applicants’ representative for this case, the Examiner confirmed that such amendment to independent claims 89, 155 and 158 would obviate the present § 101 rejection of these claims and the claims which dependent therefrom.

Accordingly, for at least these reasons, Applicants respectfully assert that amended independent claims 89, 155 and 158, and the claims which depend therefrom, as applicable, clearly recite and are directed to patent-eligible subject matter. In view of the

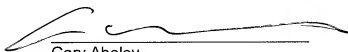
above, Applicants respectfully request withdrawal of the 35 U.S.C. § 101 rejection of claims 89-106, 155 and 158-168 .

III. CONCLUSION

In light of the foregoing, Applicants respectfully submit that all pending claims 89-107, 136-152 and 154-170 are in condition for allowance. Prompt consideration, reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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